

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HOZAY ROYAL,	:	
	:	CIVIL ACTION
Plaintiff,	:	NO. 21-4439
	:	
v.	:	
	:	
MACY'S CORPORATION, et al.	:	
	:	
Defendants.	:	

O R D E R

AND NOW this **11th** day of **May, 2022**, upon consideration of the unopposed motions to dismiss filed by Defendants Macy's Corporation (ECF No. 22) and Jay Nakahara (ECF No. 27), and for the reasons stated in the accompanying memorandum, it is hereby **ORDERED** that:

1. Nakahara's motion (ECF No. 27) is **GRANTED** and Counts 1 and 3 of the first amended complaint are **DISMISSED with prejudice** and Count 2 is **DISMISSED without prejudice**; and

2. Macy's motion (ECF No. 22) is **GRANTED in part and DENIED in part** and Count 5, 6, 7, and 8 of the first amended complaint are **DISMISSED with prejudice** and Count 9 is **DISMISSED with prejudice** to the extent it concerns events before October 18, 2019 and **without prejudice** to the extent it concerns events after October 18, 2019; and

3. **By June 12, 2022**, Plaintiff may file a second amended complaint to address the deficiencies with Counts 2 and 9 that

were dismissed without prejudice as described by the Court in its memorandum of this same date. If Plaintiff files a second amended complaint, the case will proceed on the basis of the second amended complaint.

If Plaintiff does not file a second amended complaint by June 12, 2022, the court will construe it as Plaintiff's desire to stand on his first amended complaint and the court will proceed only with Count 4 for malicious prosecution against Macy's. In this event, the Court will enter a scheduling order without further notice regarding Count 4 of the first amended complaint.

AND IT IS SO ORDERED.

/s/ Eduardo C. Robreno
EDUARDO C. ROBRENO, J.